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August 25, 2021

VIA ECF

United States District Court
Southern District of New York
Attn: Hon. Stewart D. Aaron, U.S.M.J.
500 Pearl Street, Courtroom 11C
New York, NY 10007-1312

Re: Pagan v. C.I. Lobster Corp., et al.
Case No: 1:20-cv-7349 (ALC) (SDA)
MLLG File No.: 197-2020

Dear Judge Aaron:

This office represents the Defendants in the above-referenced case. See Docket Entry 12. Defendants write to provide this Court with a status update on discovery pursuant to this Court's August 11, 2021 Order. For the reasons set forth below, this correspondence is regrettably not submitted as a joint letter.

Plaintiff served Defendants with discovery demands on June 1, 2021 and – pursuant to the parties' agreement – Defendants responded to same on July 23, 2021. Defendants simultaneously served their discovery demands on the same date pursuant to the parties' agreement, to which responses were due on or about August 23, 2021. Plaintiff requested and Defendants consented to a one (1) week extension of time for Plaintiff to respond to same.

The parties met and conferred by telephone on Friday, August 20, 2021 regarding purported deficiencies in Defendants' discovery demand responses raised by Plaintiff on August 2, 2021. Defendants agreed to respond to the deficiency letter in writing by tomorrow and the parties shall meet and confer once more, to the extent necessary, on Friday, August 27, 2021.

Plaintiff provided Defendants with a draft joint letter earlier this afternoon. Upon review, Defendants noted that Plaintiff's proposed letter was not accurate in certain respects and requested revisions to the proposed joint letter as your undersigned was not in the office and out sick today. In response, Plaintiff stated that "Then Richard can write your part. I'm not a secretary for Milman Labuda." and subsequently followed up with correspondence stating "And you seem well enough to type emails so I'm not sure why you can't just type your proposed revisions. I'm leaving attempted to meet and confer. If you see it differently, write your own section."

Defendants are appalled by this lack of cooperation and civility, and will not engage or stoop to such conduct. Although your undersigned does not feel, Defendants respectfully submit that the only reasonable response to Plaintiff's conduct was to draft and submit the instant letter. Defendants thank this honorable Court for its time and attention to this case.

Dated: Lake Success, New York
August 25, 2021

Respectfully submitted,

MILMAN LABUDA LAW GROUP PLLC

/s/ Emanuel Kataev, Esq.

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